



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,634	09/03/2004	Adrian Flanagan	60091.00344	3420
32294	7590	11/16/2006	EXAMINER	
SQUIRE, SANDERS & DEMPSEY L.L.P.			VAUTROT, DENNIS L	
14TH FLOOR			ART UNIT	
8000 TOWERS CRESCENT			PAPER NUMBER	
TYSONS CORNER, VA 22182			2167	

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/506,634		FLANAGAN, ADRIAN	
	Examiner		Art Unit	
	Dennis L. Vautrot		2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The applicants' amendment, filed 18 August 2006, has been received, entered into the record and considered.
2. As a result of the amendment, claims 13 – 15, 19, and 22 – 24 are amended and claim 25 is added. Claims 13 – 25 are pending in the application.

Response to Arguments

3. Applicant's arguments with respect to claims 13 and 24 have been considered but are moot in view of the new ground(s) of rejection.

Specification

4. The objection to the disclosure regarding the use of British English is withdrawn.
5. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.
6. The spacing of the lines of the specification is such as to make reading difficult. If space is not already 1½ or double spaced, new application papers with lines 1½ or double spaced on good quality paper are required.

Claim Objections

7. Amendments to the claims have been received and the objections related to the claims' language and the use of the word "they" in claim 13 are withdrawn.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claim 25 is rejected under 35 U.S.C. 101. The claim lacks the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2167

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 13 – 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Guiver et al.** (hereinafter **Guiver**, US 5,809,490) in view of **Sirosh** (US 6,226,408).

12. Regarding claim 13, **Guiver** teaches a computer-implemented method, the method comprising:

determining cluster centers in a first data structure, wherein the first data structure comprises a lattice structure of weight vectors that create an approximate representation of a plurality of input data points (See column 7, lines 4-9 “In the Kohonen SOM, input points that are close in the P dimension are mapped close together on the Q dimension lattice. Each lattice cell is represented by a neuron associated with a P dimensional adaptable weight vector.”);

performing a first iterative process for iteratively updating the weight vectors such that the weight vectors move toward the cluster centers (See column 10, lines 6-12 “In each pass through the network, the node with a minimum distance between the input and its weight vector is considered the winner. Every node in the neighborhood is updated so that their weight vectors move toward the winner’s vectors.”);

Guiver does not explicitly show performing a second iterative process for iteratively updating a second data structure utilizing results of the iterative updating of the first data structure and determining, based on the second data structure, the several sets of weight vectors in said lattice structure such that in each set, the weight vectors correspond to the same cluster centers of the input data points. However, **Sirosh**

Art Unit: 2167

discloses performing a second iterative process for iteratively [repeatedly] updating a second data structure [layer] utilizing results of the iterative updating of the first data structure [layer] (See column 4, lines 57 – 63 “The present invention provides a process that is applied repeatedly, in a hierarchy of stages, to extract increasingly larger scale clusters of vectors from the initial set of inputs vectors V. Generally, each stage, or layer in the hierarchy takes as it input a set of vectors from the previous layer, encodes a representation of the input vectors, and re-encodes the input vectors for processing by the next layer.”); and

determining, based on the second data structure [array of K scalar values], the several sets of weight vectors in said lattice structure such that in each set, the weight vectors correspond to the same cluster centers of the input data points. (See column 6, lines 22 – 26 “Batch Neural Gas takes into account the location of all input vectors when updating the cluster centers. In an epoch of the BaNG algorithm, each cluster center is updated using all the input vectors, unlike K-Means which uses only the closest.” And See column 6, line 46 – column 7, line 33. Here, several sets of weight vectors, as mentioned in the claim are represented by “the second data structure is the array of K scalar values”).

It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of **Guiver** with that of **Sirosh** because both are related to unsupervised clustering of a dataset, and by including the second data structure as disclosed in **Sirosh**, the values in the first data structure can be updated based on the function used in the second data structure to more accurately identify

Art Unit: 2167

cluster centers. It is for this reason that one of ordinary skill in the art would have been motivated to include performing a second iterative process for iteratively updating a second data structure utilizing results of the iterative updating of the first data structure and determining, based on the second data structure, the several sets of weight vectors in said lattice structure such that in each set, the weight vectors correspond to the same cluster centers of the input data points.

13. Regarding claim 14, the combination of **Guiver** and **Sirosh** teaches each iteration in the first iterative process comprises: selecting a winner weight vector for each data point on the basis of the distance between the data point and the weight vectors (See **Guiver** column 8, lines 4-14 "Each neuron computes the Euclidean distance between the input vector X and the store weight vector W . Now the Euclidean distance D_i is computed for each of the N Kohonen neurons.... The neuron with the lowest value of D_i is selected as the winner."), and

calculating a next value for each weight vector on the basis of the current value of the weight vector and a first neighbourhood function of the distance on the lattice structure between the weight vector and the winner weight vector (See **Guiver** column 8 lines 18-22 "Once the neuron with the smallest adjusted distance has been determined, the routine then determines the remaining neurons whose weights need to be adjusted. The neurons to be adjusted is determined using a neighborhood function..."), and

wherein the second data structure comprises a first coefficient for each of the weight vectors in the lattice structure (See **Sirosh** column 6, lines 58 – 62 "Allocate an

Art Unit: 2167

array of K scalar values T to hold the total co-efficient contributions of each vector to each cluster center...") and each iteration in the second iterative process comprises calculating a next value of each first coefficient based on: the current value of the first coefficient, and a combination of a first coefficient of the winner weight vector, a second neighborhood function of the distance on the lattice structure between the weight vector and the winner weight vector (See **Sirosh** column 7, lines 10 – 33, various equations), and

an adjustment factor for adjusting convergence speed between iterations (See **Guiver** column 9 line 66 – column 10 line 2 "The neighbors of the winning neuron also adjust their weights to be closer to the same input data vector. The adjustment of neighboring neurons is instrumental in preserving the order of the input space in the SOM.")

14. Regarding claim 15, the combination of **Guiver** and **Sirosh** teaches the step of determining the weight vectors that correspond to cluster centers comprises selecting local maxima in the second data structure (See **Guiver** column 9, lines 54-56 "Next, the routine determines whether the change in the weight values is less than a predetermined threshold in step 198." Examiner interprets the "threshold" of the reference to be equivalent to the "local maxima" from the claim language.)

15. Regarding claim 16, the combination of **Guiver** and **Sirosh** teaches the combination is or comprises multiplication (See **Guiver** column 9, line 27-28).

16. Regarding claim 17, the combination of **Guiver** and **Sirosh** teaches the second neighbourhood function is not monotonous (See **Guiver** column 4, lines 61-63 "In step 224, the routine normalizes the augmented data. Preferably, the variables are normalized so that they are mean zero, and have values between -1 and $+1$." Based on paragraph [0020] of the instant application publication, examiner interprets monotonous to mean that some values are negative. Specifically the line "A preferred version of the second neighbourhood function is not monotonous, but gives negative values at some distances.")

17. Regarding claim 18, the combination of **Guiver** and **Sirosh** teaches a method according to claim 14, wherein the first coefficients are limited to a range $[0,1]$ and the second neighbourhood function gives negative or positive values, respectively, for some distances (See **Guiver** column 4, lines 61-63 "In step 224, the routine normalizes the augmented data. Preferably, the variables are normalized so that they are mean zero, and have values between -1 and $+1$.")

18. Regarding claim 19, the combination of **Guiver** and **Sirosh** teaches the second neighbourhood function depends on a number of prior iterations (See **Guiver** column 9, lines 54-60 "Next, the routine determines whether the change in the weight values is less than a predetermined threshold in step 198. If not, the routine further determines whether a predetermined maximum iteration limit has been reached in step 200. If the

Art Unit: 2167

iteration threshold has not been reached, the routine loops back to step 188 to continue the training process”).

19. Regarding claim 20, the combination of **Guiver** and **Sirosh** teaches the input data points represent real-world quantities (See **Guiver** column 3, lines 51-60 “As shown in FIG. 1, in the event that the computer system is operating in a chemical plant, the collected data may include various disturbance variables such as feed stream flow rate as measured by a flow meter, a feed stream temperature as measured by a temperature sensor, component feed concentrations as determined by an analyzer, and a reflux stream temperature in a pipe as measured by a temperature sensor. The collected data can also include controlled process variables such as the concentration of produced materials, as measured by analyzers 48 and 66.” The above are examples of real world quantity data points.)

20. Regarding claim 21, the combination of **Guiver** and **Sirosh** teaches the first data structure is or comprises a self-organizing map (See **Guiver** column 6, lines 64-67 “Turning now to the clusterizer..., the clusterizer is preferably a neural network known by those skilled in the art as a Kohonen self organizing map (SOM), shown in more detail in figure 5.”)

21. Regarding claim 22, the combination of **Guiver** and **Sirosh** teaches estimating an upper limit K for a number of clusters in the self-organizing map (See **Guiver** column

Art Unit: 2167

6, lines 8-11 "It also computes a cutoff level K in step 252. As previously indicated, the cut-off level K is selected as some fraction of the average number of examples per cluster such as 70%." Examiner interprets the "cutoff level" to be equivalent to the "upper limit" as described in the claim.);

defining a coefficient vector $\text{THETA}_i = (\theta_{i,1}, \theta_{i,2}, \dots, \theta_{i,K})$ for each weight vector i in the self-organizing map, the coefficient vector comprising K second coefficients $\theta_{i,l}$, each of which represents a weighting between the weight vector i and a label l (See **Guiver** column 9, lines 48-53 "After weights of the neighboring neurons have been adjusted, the learning coefficient α is maintained or decreased over each iteration in step 194. For instance, α may start at a value such as 0.4 and decrease over time to 0.1 or lower. Similarly, the neighborhood $N_{cicj}(t)$ is either maintained or shrunk in step 196."); and

assigning cluster label l to weight vector i if: $l = \arg \max_k \theta_{i,k}$, $1 \leq k \leq K$ (See **Guiver** column 10, lines 27-30 "The Kohonen neuron with the minimum distance is called the winner and has an output of 1.0, while the other Kohonen neurons have an output of 0.0") - In the instant application, the cluster label l is referred to as the "winner".)

22. Regarding claim 23, the combination of **Guiver** and **Sirosh** teaches a method according to claim 22, wherein each iteration in the second iterative process comprises calculating a next value of each second coefficient based on the current value of the second coefficient and a combination of: a coefficient of the winner weight vector, a third

Art Unit: 2167

neighbourhood function of distance (See column 10, lines 6-12 "In each pass through the network, the node with a minimum distance between the input and its weight vector is considered the winner. Every node in the neighborhood is updated so that their weight vectors move toward the winner's vectors"); and

an adjustment factor for adjusting convergence speed between iterations (See column 9 line 66 – column 10 line 2 "The neighbors of the winning neuron also adjust their weights to be closer to the same input data vector. The adjustment of neighboring neurons is instrumental in preserving the order of the input space in the SOM.")

23. Regarding claim 24, the combination of **Guiver** and **Sirosh** teaches a computer-readable program product comprising a computer program code, embodied on a computer-readable medium (See **Guiver** column 4, lines 17-20 "The system controller is also connected to an IDE interface port for driving one or more hard disk drives, preferably a CD-ROM player and a disk drive."), wherein executing the computer program code in a computer causes the computer to carry out:

determining cluster centers in a first data structure, wherein the first data structure comprises a lattice structure of weight vectors that create an approximate representation of a plurality of input data points (See **Guiver** column 7, lines 4-9 "In the Kohonen SOM, input points that are close in the P dimension are mapped close together on the Q dimension lattice. Each lattice cell is represented by a neuron associated with a P dimensional adaptable weight vector.");

performing a first iterative process for iteratively updating the weight vectors such that the weight vectors move toward the cluster centers (See **Guiver** column 10, lines 6-12 “In each pass through the network, the node with a minimum distance between the input and its weight vector is considered the winner. Every node in the neighborhood is updated so that their weight vectors move toward the winner’s vectors.”);

performing a second iterative process for iteratively [repeatedly] updating a second data structure [layer] utilizing results of the iterative updating of the first data structure [layer] (See **Sirosh** column 4, lines 57 – 63 “The present invention provides a process that is applied repeatedly, in a hierarchy of stages, to extract increasingly larger scale clusters of vectors from the initial set of inputs vectors V. Generally, each stage, or layer in the hierarchy takes as it input a set of vectors from the previous layer, encodes a representation of the input vectors, and re-encodes the input vectors for processing by the next layer.”); and

determining, based on the second data structure [array of K scalar values], the several sets of weight vectors in said lattice structure such that in each set, the weight vectors correspond to the same cluster centers of the input data points. (See **Sirosh** column 6, lines 22 – 26 “Batch Neural Gas takes into account the location of all input vectors when updating the cluster centers. In an epoch of the BaNG algorithm, each cluster center is updated using all the input vectors, unlike K-Means which uses only the closest.” And See column 6, line 46 – column 7, line 33. Here, several sets of weight vectors, as mentioned in the claim are represented by “the second data structure is the array of K scalar values”).

24. Regarding claim 25, the combination of **Guiver** and **Sirosh** teaches a computer system, comprising:

first determination means for determining cluster centers in a first data structure, wherein the first data structure comprises a lattice structure of weigh vectors that create an approximate representation of a plurality of input data points (See **Guiver** column 7, lines 4-9 "In the Kohonen SOM, input points that are close in the P dimension are mapped close together on the Q dimension lattice. Each lattice cell is represented by a neuron associated with a P dimensional adaptable weight vector.");

first performance means for performing a first iterative process for iteratively updating the weight vectors such that the weight vectors move toward the cluster centers (See **Guiver** column 10, lines 6-12 "In each pass through the network, the node with a minimum distance between the input and its weight vector is considered the winner. Every node in the neighborhood is updated so that their weight vectors move toward the winner's vectors.");

second performance means for performing a second iterative process for iteratively updating a second data structure utilizing results of the iterative updating of the first data structure (See **Sirosh** column 4, lines 57 – 63 "The present invention provides a process that is applied repeatedly, in a hierarchy of stages, to extract increasingly larger scale clusters of vectors from the initial set of inputs vectors V. Generally, each stage, or layer in the hierarchy takes as it input a set of vectors from the

Art Unit: 2167

previous layer, encodes a representation of the input vectors, and re-encodes the input vectors for processing by the next layer.”); and

second determination means for determining, based on the second data structure, several sets of weight vectors in said lattice structure such that in each set, the weight vectors correspond to the same cluster centers of the input data points (See **Sirosh** column 6, lines 22 – 26 “Batch Neural Gas takes into account the location of all input vectors when updating the cluster centers. In an epoch of the BaNG algorithm, each cluster center is updated using all the input vectors, unlike K-Means which uses only the closest.” And See column 6, line 46 – column 7, line 33. Here, several sets of weight vectors, as mentioned in the claim are represented by “the second data structure is the array of K scalar values”).

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Pao et al. (US 2001/0032198) teaches a version of normalizing an SOM in order to make the clustering more efficient.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis L. Vautrot whose telephone number is 571-272-2184. The examiner can normally be reached on Monday-Friday 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dv
9 November 2006


JOHN COTTINGHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

hSLu